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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/791,610	03/03/2004	Chin-Ching Hsien	J5P4012-GFP-922331	2706
46691	7590	06/21/2005	EXAMINER	
CHIN-CHING HSIEN 235 CHUNG-HO BOX 8-24 TAIPEI HSIEN, TAIWAN			SHAKERI, HADI	
			ART UNIT	PAPER NUMBER
			3723	

DATE MAILED: 06/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/791,610

Applicant(s)

HSIEN, CHIN-CHING

Examiner

Hadi Shakeri

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 8-10 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 8-10 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Claim Objections

1. Claim 8 is objected to because of the following informalities: "chamber 11" in the last line. Appropriate correction is required.
2. The numbering of claims is not in accordance with 37 CFR 1.126 which requires the original numbering of the claims to be preserved throughout the prosecution. When claims are canceled, the remaining claims must not be renumbered. When new claims are presented, they must be numbered consecutively beginning with the number next following the highest numbered claims previously presented (whether entered or not).

Misnumbered claims 8-10 have been renumbered 7-9.

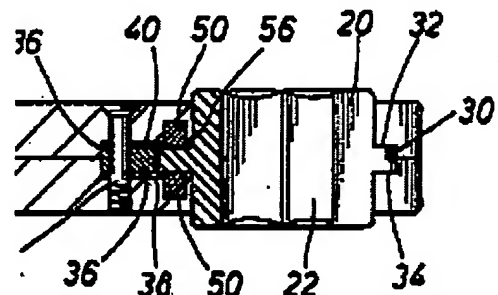
Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 7-9 (misnumbered 8-10) are rejected under 35 U.S.C. 103(a) as being unpatentable over Baron (5,417,129).

Baron meets all of the limitations of claims 8-10, i.e., a spanner body having a receiving chamber, with two control grooves (defined in the cavity accommodating the two members 50), a toothless ratchet (20), two control devices formed by a control unit (50) and an elastomer (52).



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Wherein the control unit is a cylinder having a chamfered surface (Fig. 5), except for (claims 7 and 8) being rectangular with a corner facing the chamber and/or hexagonal; (claim 9) having a round cross section. Note that the windows or cavities accommodating wedge (50) has two corners facing the chamber.

Regarding claims 7 and 8, i.e., rectangular and/or hexagonal shape, and claim 9, i.e., wedge (50) not having a round cross section (the thicker end not forming a circle); it would have been obvious to one having ordinary skill in the art at the time the invention was made to make the wedge rectangular, hexagonal and/or to have a round end, since applicant has not disclosed that these shapes solve any stated problem or is for any particular purpose and it appears that the invention would perform equally well with a cylinder as disclosed and, since changing shape, involves only routine skill in the art.

Conclusion

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Response to Arguments

6. Applicant's arguments filed 04/11/05 have been fully considered but they are not persuasive.

The arguments regarding claim 7 (misnumbered 8) is that the rectangular cylinder has a corner facing the receiving chamber. This limitation is met by Baron, see Fig. 2, wherein two corners of each cavity housing the wedge faces the chamber, thus a modification with regards to the shape of the wedge housed in the cavity would meet this limitation.

The arguments regarding claim 8 (misnumbered 9) is that the wedge has a hexagonal shape. This argument is not found persuasive since a modification with respect to the shape of the wedge as indicated in the pervious office action is considered obvious to one of ordinary skill in the art.

The arguments regarding claim 9 (misnumbered 10) is that the cylinder has a round cross-section and a normal line of the surface is tilt from a normal line of the round cross section. The wedge as disclosed by Baron does not disclose a round cross section, i.e., the end of the wedge is not circular, whereas it appears that the end of the control unit 31 as shown, e.g., in Figs. 1, 3 and 4 of the pending application is round. However it is noted that Figs. 2 and 9 indicate that the end is not round, rendering the scope indefinite, since there would not be a round cross section anywhere along the longitudinal axis of the control unit 31 as disclosed by these figures. A control unit having a round cross section is considered by the examiner to describe the embodiments in which the end is round like what appears to be shown in Figs. 1 and 8. As such the wedge as disclosed by Baron does not include a round cross section, a modification with respect to shape which would be obvious to one of ordinary skill in the art, lacking any specific reason and/or solving any particular problem (as was indicated in the previous office action). With regards to normal lines being tilted, Applicant argues that the

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normal lines as disclosed by Baron are parallel, indicating the chamfered face running parallel to the longitudinal axis. This is in error, the wedge as disclosed by Baron and by definition has a thick end and a narrow end (slopping from one end to the other), which would meet the limitation as recite.

It is noted however, that these modification regarding shapes might have been considered hindsight, had there been sufficient structural features or limitations in the claims to functionally and physically distinguish the tool of Baron from the present invention, e.g., groove (13) running perpendicular to a longitudinal axis of the handle...ring having matching annular slots (22), etc.

7. Prior art made of record and not relied upon are considered pertinent to applicant's disclosure. Baron '276 and Abell are cited to show related inventions.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hadi Shakeri whose telephone number is (571) 272-4495. The examiner can normally be reached on Monday-Thursday.

The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'Hadi Shakeri', with a long horizontal flourish extending to the right.

Hadi Shakeri
Primary Examiner
Art Unit 3723
June 16, 2005